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**IN THE
COURT OF APPEALS OF INDIANA**

AARON DISHMAN,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A04-0512-CR-731
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven Rubick, Judge
Cause No. 49G04-0307-FB-107548

August 28, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Aaron Dishman appeals the trial court's imposition of his four-year suspended sentence following the revocation of his probation. Dishman raises one issue, which we restate as whether the trial court abused its discretion by ordering Dishman to serve his entire previously suspended sentence. We affirm.

In November 2003, Dishman pleaded guilty to battery as a class C felony after he assaulted his grandmother with a ceramic jar. In March 2004, the trial court sentenced Dishman to six years with four years suspended. The trial court ordered Dishman to serve the executed portion of his sentence in community corrections and placed Dishman on probation for two years. One of the conditions of Dishman's probation was that he not leave the State of Indiana without permission.

In October 2005, the probation department filed a notice of probation violation alleging that Dishman left the State of Indiana without permission. Specifically, Dishman was detained by Homeland Security agents while attempting to enter Arizona with a group of children he was bringing back from Mexico. The trial court held a revocation hearing wherein Dishman admitted he had violated the terms and conditions of his probation by leaving the State without permission. The trial court noted as follows in ordering Dishman to serve his previously suspended four-year sentence:

The allegation against Mr. Dishman although seemingly innocuous on its face is actually one of the worst violations a defendant can have. You left the State of Indiana without permission. He was placed on probation in order to give him an opportunity to rehabilitate in the least restrictive system we have. A defendant who is willing to leave the State of Indiana without permission [is] essentially saying to the Court that a more restrictive means of rehabilitation would be the only way to accomplish the overall goal of the original sentence. . . . [T]his particular violation is one that I consider to be one of the most egregious. Under the circumstances I

cannot excuse an offender leaving the jurisdiction and under the circumstances I am going to revoke Mr. Dishman's placement and I am going to remand him to the Department of Correction to serve his entire four-year suspended sentence.

Transcript at 8.

The sole issue is whether the trial court abused its discretion when it sentenced Dishman to serve his entire previously suspended four-year sentence.¹ We review a trial court's sentencing decision in a probation revocation hearing for an abuse of discretion. Sanders v. State, 825 N.E.2d 952, 956 (Ind. Ct. App. 2005), trans. denied. When the trial court revoked Dishman's probation, it could have imposed less than the entire suspended sentence. See Ind. Code § 35-38-2-3(g)(3). Alternatively, it was within the trial court's authority to order Dishman to execute the entire suspended sentence. See id.²

Here, our review of the record of the proceedings reveals that Dishman was on probation for assaulting his grandmother. He knew that one of the conditions of his

¹ Dishman also makes a cursory allegation, unsupported by authority and analysis, that the trial court abused its discretion by informing him before the hearing that it would likely order him to serve his entire suspended sentence if he did not enter the plea agreement. The appellate rules clearly place the burden of developing an argument with proper citations to authority and the record of the proceedings on the appellant. See Ind. App. R. 46. Failure to adequately develop an argument or provide adequate citation to authority and portions of the record results in the waiver of the issue on appeal. See Lyles v. State, 834 N.E.2d 1035, 1050 (Ind. Ct. App. 2005), trans. denied. Dishman has therefore waived this issue.

Waiver notwithstanding, Dishman's argument is misleading because there was no "plea agreement" in the probation revocation proceeding. Rather, the probation officer apparently offered Dishman a two-year executed sentence if he admitted the allegations in the notice of probation violation. Dishman refused the offer. The trial court then told Dishman that the court did not want to deny Dishman the opportunity to have a hearing, but if the probation department's allegation was proved to be true, the court was inclined to order Dishman to serve his entire sentence. When Dishman again failed to timely accept the two-year offer, the trial court proceeded with the hearing. After Dishman admitted the violation, the trial court ordered him to serve the entire four-year suspended sentence. We find no error in this procedure.

² Ind. Code § 35-38-2-3(g)(3) provides that "if the court finds that the person has violated a condition at any time before termination of the period . . . the court may . . . order execution of all or part of the sentence that was suspended at the time of initial sentencing."

probation was not to leave the State of Indiana without permission. Nevertheless, Dishman not only left the State, he left the country when he went to Mexico to help a group of children enter Arizona. Dishman's behavior demonstrates not only a lack of desire to change his criminal behavior, but also a disregard for the terms of his probation. Under these circumstances, the trial court did not abuse its discretion in ordering Dishman to serve his entire six-year suspended sentence. See e.g., Crump v. State, 740 N.E.2d 564 (Ind. Ct. App. 2000), trans. denied, (holding that the trial court did not abuse its discretion in ordering Crump to serve his entire suspended sentence following the revocation of his probation).

For the foregoing reasons, we affirm the trial court's imposition of Dishman's entire four-year suspended sentence.

Affirmed.

NAJAM, J. and ROBB, J. concur